

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION :
CORPORATION, :

Plaintiff, :

-v- :

BERNARD L. MADOFF INVESTMENT :
SECURITIES LLC, :

Defendant. :

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In re: :

MADOFF SECURITIES :

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PERTAINS TO: :

IRVING H. PICARD, :

Plaintiff, :

-v- :

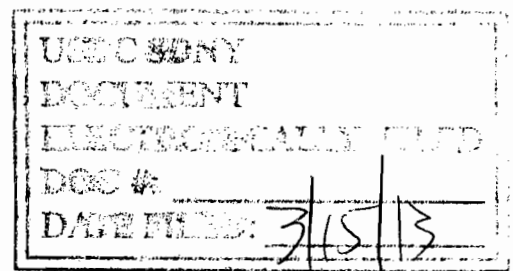
ACCESS MANAGEMENT LUXEMBOURG, S.A. :
(f/k/a ACCESS INTERNATIONAL ADVISORS :
(LUXEMBOURG) S.A.), as represented by :
its Liquidator, FERNAND ENTRINGER, :
PIERRE DELANDMETER, and PATRICK :
LITTAYE, :

Defendants. :

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JED S. RAKOFF, U.S.D.J.

12 MC 115 (JSR)

ORDER



12 Civ. 5597 (JSR)

On September 27, 2012, the Court granted in part and denied in part defendant Access Management Luxembourg's motion to withdraw the reference to the Bankruptcy Court. Specifically, the Court denied the defendant's motion on the question of whether the exercise of personal jurisdiction over the defendant is constitutional, but granted the

defendant's motion to withdraw the reference on the issue of whether the Second Circuit's test for the issuance of an anti-foreign suit injunction as laid out in China Trade & Development Corp. V. M.V. Choong Yong, 837 F.2d 33 (2d Cir. 1987), applies to the Trustee's motion for a permanent injunction. The Court deferred briefing on the *China Trade* issue pending adjudication of the personal jurisdiction issue in the Bankruptcy Court.

On August 24, 2012, before the Court had determined whether and to what extent withdrawal of the reference was appropriate, the defendant filed a motion to dismiss the Trustee's complaint addressing both of the issues outlined above. The Court hereby denies defendant's motion to dismiss without prejudice to renewal on the *China Trade* issue if the Bankruptcy Court resolves the personal jurisdiction issue in favor of exercising jurisdiction. The Clerk of the Court is hereby ordered to close item number 14 on the docket of 12 Civ. 5597.

SO ORDERED.

Dated: New York, New York
March 14, 2013



JED S. RAKOFF, U.S.D.J.